

REMARKS

In the Office Action dated June 15, 2006, claims 1-4 and 15-20 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and claims 1-20 were rejected under § 103 over U.S. Patent No. 5,713,020 (Reiter) in view Admitted Prior Art (APA).

Appln. Serial No. 10/751,017  
Amendment Dated September 15, 2006  
Reply to Office Action Mailed June 15, 2006

REJECTION UNDER 35 U.S.C. § 101

Independent claims 1 and 15 have been amended to address the § 101 rejection.  
Withdrawal of the § 101 rejection is therefore respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

It is respectfully submitted that the subject matter of the claims is not rendered obvious by the asserted combination of Reiter and APA for at least the following two reasons: (1) no motivation or suggestion existed to combine the teachings of Reiter and APA; and (2) the hypothetical combination of Reiter and APA does not teach or suggest all elements of the claimed subject matter. See M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 3), at 2100-135.

Point (2) is addressed first. It is respectfully submitted that the Office Action mis-applied Reiter to the receiving element of claim 1. Claim 1 recites receiving a query that specifies an aggregate on *distinct values* of at least one attribute, where the query further specifies grouping on plural grouping sets, including a first grouping set and a second grouping set. The Office Action stated that column 4, lines 34-37, of Reiter discloses a query that specifies an aggregate on distinct values of at least one attribute. This passage of Reiter refers to an engine producing a hierarchical table set in response to receiving a multi-level aggregation query. The multiple-level aggregation query of Reiter does not specify an aggregation on *distinct* values of at least one attribute. In fact, in the example given in Table 2 in column 5 of Reiter, several aggregations are specified, all of which pertain to the sum() aggregation. The aggregation is performed on Order Amount, with absolutely no indication that the sum is performed on distinct values of Order Amount. Therefore, it is clear that Reiter does not teach receiving a query that specifies an aggregate on distinct values of at least one attribute. Based on this mis-application of Reiter to the claimed subject matter, it is respectfully submitted that the obviousness rejection of claim 1 over Reiter and APA is defective, since the hypothetical combination of Reiter and APA does not disclose or suggest all elements of claim 1.

Additionally, the Office Action conceded that Reiter fails to disclose storing distinct values of the at least one attribute (specified in the query) in a first table. 6/15/2006 Office Action at 4. However, the Office Action cited ¶ [0006], on page 3, of the present specification (alleged to be APA) as disclosing the storing of distinct values of the at least one attribute in a first table. It is noted that the combination of elements from different references performed in the Office Action is improper, as the objective evidence clearly establishes that no motivation or suggestion existed to combine the teachings of Reiter and APA. Paragraph [0007] of APA provides an explicit teaching that the approach described in ¶¶ [0005] and [0006] of APA

“cannot be used if the SQL statement specifies that an aggregate be calculated on distinct values of a particular attribute ....” Thus, the APA expressly taught away from using the technique in ¶ [0006] of APA in the context of what is recited in claim 1, namely in the context of a query that specifies an aggregate on distinct values of at least one attribute. Thus, the APA provides objective evidence that a person of ordinary skill in the art would not have been motivated to modify the teachings of Reiter with the teachings of APA to achieve the claimed subject matter. Thus, the *prima facie* case of obviousness of claim 1 is defective for this additional reason.

Independent claims 8 and 15 are allowable for similar reasons.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-0225 (11087).

Respectfully submitted,

Date: \_\_\_\_\_

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